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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 25th November 2008

No. 12050-LL-I-(III)35/2008/LE.— The following draft of certain rules further to amend the Orissa Motor Transport Workers Rules, 1966, which the State Government propose to make in exercise of the powers conferred by sub-section (I) of section 40 of the Motor Transport Workers Act, 1961 (27 of 1961) is hereby published as required by sub-section (I) of the said section for information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the State Government on or after expiry of six weeks from the date of publication of this notification in the *Orissa Gazette*.

Any objection or suggestion which may be received from any person in respect of the said draft before the expiry of the period so specified above will be considered by the State Government.

DRAFT

1. (1) These rules may be called the Orissa Motor Transport Workers (Amendment) Rules, 2008.

(2) They shall come into force on the date of their publication in the *Orissa Gazette*.

2. In the Orissa Motor Transport Worker Rules, 1966, (hereinafter referred to as the said rules), for rule 36 alongwith the marginal heading thereof, the following marginal heading and rules shall be substituted, namely:—

“36 Combined Muster Roll-cum-Register of wages- Every employer shall maintain a combined Muster Roll-cum-Register of wages of all workers employed in the undertaking in Form X”.

3. In the said rules, for rule 37 alongwith the marginal heading thereof, the following rule and marginal heading shall be substituted, namely:—

“37- Combined Register of overtime working and payment—Every employer shall maintain a combined register of overtime hours of works and payments thereof. The combined register of overtime working and payment shall always be available for inspection in Form X1”.

4. In the said rules, for Form “X”, the following Form shall be substituted, namely :—

“Form X

(See rule 36)

.....”

5. In the said rule, for Form “XI”, the following Form shall be substituted, namely:—

“Form XI

(See rule 37)

.....”

6. In the said rules, for Form “XIII”, the following Form shall be substituted, namely :—

“Form XIII

.....”

“ Form- X

[See rule-36]

COMBINED MUSTER ROLL-CUM-REGISTER OF WAGES

See Rule 104 of Orissa Factories Rules, 1950

See Rule 26(5) of Orissa Minimum Wages Rules, 1954.

See Rule 26(1) of Orissa Minimum Wages Rules, 1954.

See Rule 33(1) of Orissa Beedi & Cigar Workers (Condition of employment) Rules, 1969.

See Rule 239(1) a of Orissa Building & Other Construction Workers etc. Rules, 2002.

See Rule 239 (1) a of Orissa Building & Other Construction Workers etc. Rules, 2002.

See Rule 239(1) a of Orissa Building & Other Construction Workers etc. Rules, 2002.

See Rule 52(2)(a) of Orissa Inter-State Migrant Workmen (RE&CS) Rules, 1980.

See Rule 52(2)(a) of Orissa Inter-State Migrant Workmen (RE&CS) Rules, 1980

of Orissa Shops and Commercial Establishment Rules, 1958.

(Daily record of works & orders relating to compensating Leave and Deduction from wages of Orissa Shops and Commercial Establishment Rules, 1958.

See Rule 36 of Orissa Motor Transport Workers Rules, 1966.

See Rule 77(2)(a) of Orissa Contract Labour (R&A), Rules, 1975.

See Rule 77(2)(a) of Orissa Contract Labour (R&A), Rules, 1975.

See Rule 9 of Orissa Industrial Employment (N&F) H. Rules, 1972.

Name & Address of the
Factory / Establishment

Name & Address of the
Contractor (if any)
Place of work

Name & Address of the
Principal employer
Month / Year

Sl. No.	1. Name of employees 2. Father/Husband name	Sex M/F	Date of Birth	Emp. No./ SI.No. in register of employees	Degn./ Dept.	Date of joining	ESI No.	PF No.	ATTENDANCE Units of work done(if piece rated)							No. of payable days Total Units of work done	Name of N&F Holiday for which wages have been paid
									1	2	3	4	5	6	7		
									8	9	10	11	12	13	14		
									15	16	17	18	19	20	21		
									22	23	24	25	26	27	28		
									29	30	31						

Month & Year

EARNINGS										DEDUCTIONS													
Basic	DA / VDA	HRA	Conv. Allow	Med. Allow	ATT/ bonus	Spl. All	OT	Msic. Earnings	Others	Total	ESI	PF	PT	TDS	Socy.	Insurance	Sal. Adv.	Fine	Damage	Others	Total	Net payable	Date of payment

Complete Signature of the Employer/ Principal Employer/ Authorized Signature

Form-XI

[See rule – 37]

COMBINED REGISTER OF OVERTIME WORKING AND PAYMENT

See Rule 79 of Orissa Factories Rules, 1950 (N.B.: Rule 80 & Form 11 may be annulled)

See Rule 25(2) of Orissa Minimum Wages Rules, 1954.

See Rule 77(2)(e) of Orissa Contract Labour (R&A) Rules, 1975.

See Rule 12(4) & Rule 15(3) of Orissa Shops & Commercial Establishment Rules, 1956.

See Rules 33(5) of Orissa B.C.W.(COE) Rules, 1969.

See Rule 37 of Orissa M.T. Workers Rules, 1966.

See Rule 52(2)(a) of Orissa ISMW (RE & CS) Rules, 1980.

See Rule 239(1)(c) of Orissa Building and other Construction Workers

(Regulation of Employment & Condition of Service) Rules, 2002."

FORM No -XIII**COMBINED ANNUAL RETURNS**

See Rule - 101(I) Orissa Factories Rules, 1950

Rule - 81 (I) Form XXI, Rule-81(2) Orissa Contract Labour (R&A) Rule-1975

Rule-21 (4-A) Orissa Minimum Wages Rules - 1954

Rule-18, Orissa Payment of Wages Rules-1936

Rule-5, Payment of Bonus Rules, 1975 (Central)

Rule-28, Orissa Shops and Commercial Rules - 1958

Rule-39, Orissa Motor Transport Workers Rules, 1966

Rule-16, Orissa Maternity Benefit Rules, 1966

Rule-8,O.I.E (N&A) II Rules, 1972

Rule 240, Orissa Building and Other Construction Workers (RECS), Rules-2002

Rule 56(2) of Orissa Inter State Migration Workers (RECS) Rules, 1980

A. GENERAL PARTICULARS -

1(a) Name and full address of the Factory / Establishment (including Building and Other Construction of Work / Motor Transport undertakings)

	Factory / Establishment	Regd./Administrative/Head Office
Name Address Tel :- Fax:- E-mail:- Website:-		

(b) Name and Residential Address of the Proprietor / Partner / Directors / Employer/ Principal / Employer / Occupier. (tick which ever is applicable).

Sl. No.	Name Father's Name	Designation	Residential Address	Tel/Mobile/E-mail

(c) Name and Residential Address of the Person responsible for the day to day conduct and control of business.

Name	Residential Address	Tel/Mobile/E-mail

(d) Name and Residential address of the occupier and Mgr. As named under the Factories Act, 1948.

Sl. No.	Name	Designation	Residential Address	Tel/Mobile/E-mail

2. Date of Commencement of Manufacturing / Business / Estt. / Factories / Construction of Works.

2(A) Nature / Type of Industries /Estts.

2(B) Particulars of Products Manufactured/Services Rendered.

Name of the Product/Services	Annual Installed capacity	Quantity Manufactured	Percentage achieved	Value

3. Registration and License

Regn. No. License No.

- (a) Factories Act, 1948
- (b) Contract Labour (R&A) Act, 1970
- (c) O.S and C.E. Act, 1956
- (d) ISMW (R&CE) Act, 1979
- (e) M.T.W. Act, 1961
- (f) Building and Other Construction Workers (RECS) Act, 1996

4. No. of Workmen / employees/ employed.

Sl. No.	Category	Male	Female	Adolescent/ Adult	Child	Total No. of Employees
1	Un-skilled					
2	Semi-skilled					
3	Skilled					
4	Highly skilled					
5	ITI / Diploma					
6	Degree-Engineering					
7	Executive					
8	Probationer / Trainees					

5. Particulars of Employment / Payment in Factories / Estts. / Motor Transport Undertakings / Building Construction of Work.

(a)

No of Person on Roll as on 1st January	No. of Person on Roll as on 31st December	No. of days Factory / Estt/Building & Other Construction Works / Carried on	No. of days Factory/Estt/ Closed	No. of Mandays worked during the year	No. of man-hours worked including O.T. during the year	Total Amount of salary / wage paid including O.T. wages & allowances

(b) Average Number of Employment during the year :—

Men	Women	Total

(c) No. of employees discharged/dismissed/terminated/retrenched/resigned or retired during the year.

Men	Women	Total

In respect of Minimum Wages & Payment of Wages etc.

6. Particulars of deduction made from salary (wages) under M.W. and P.W. Act.

	No. of Employees involved	Total Amount of deduction made
1. Fines		
2. Damages / Loss		
3. Breach of Contract		
4. Others		
5. Total		

**In respect of the Factories Act / Orissa Shops & Commercial Establishment Act,1956
/ Orissa Industrial Establishment (National & Festival) Holidays Act,1972.**

7. Particulars of Earned Leave with Wages / National Festival Holidays with Wages.

Total No. of Persons employed		No. of Employees eligible for Earned Leave	No. of employees availed/granted Earned Leave	No. of employees paid wages/ salary in lieu of Earned Leave	No. of Person who were paid wages for the NFIT (separate figure for each day may be furnished)
1. Man					(i) 26th January (ii) 1st May (iii) 15th August (iv) 2nd October (v) (vi) (vii) (viii)
2. Woman					

IN RESPECT OF PAYMENT OF BONUS

8. Payment of Bonus paid during the year

Name of the Accounting year	Total No. of employees	No. of Employees eligible for Bonus	Percentage of Bonus / Exgratia declared	Total amount of Bonus / Exgratia paid	Date of Payment
1	2	3	4	5	6

Relating to the Factories Act

- 9. Does the Factory carry on hazardous process under section-2(cd) dangerous operation u/s 87 of Factories Act. 1948.**

If Yes..... Yes / No

- (i) Whether Health and Safety Policy prepared and published Yes / No
- (ii) Whether occupational Health Centre provided Yes / No
- (iii) Whether Medical Officer appointed Yes / No
- (iv) Whether Ambulance Van provided Yes / No
- (v) Average no. of persons employed daily in hazardous process / dangerous operation Yes / No

10. Safety and Welfare Officers:—**(a)**

	No. of Officers required to be appointed	No. of Officer actually appointed
(i) Safety Officers as per Sec-40(B) of Factories Act.		
(ii) Welfare Officers as per Sec-49 of the Factories Act.		

(b) Whether the following Welfare measures are provided ?

(i)	Ambulance Room as per Sec-45(A)	Yes / No
(ii)	Canteen as per Sec-46(I)	Yes / No
(iii)	Whether the canteen is run departmentally or through contractor departmentally / Contractor	
(iv)	Creche as per Sec- 48(i)	Yes / No
(v)	Shelters, Rest Rooms and Lunch Room as per Sec-47(I)	Yes / No

11. Particulars of Accidents, Man's days lost and others:—

(i)		Total no. of accidents that have taken place in the year.
(ii)		Number of employees involved in such accidents:- (a) Male (b) Female
(iii)		Total number of man' days lost in such accident
(iv)		No. of employees returned to work within 48 hours of the accident
(v)		No. of employees returned to work after 48 hours of the accident (Reportable accident)
	(a)	Without Permanent /Partial/ Total Disablement
	(b)	With Permanent / Partial / Total Disablement
(vi)		Number of employees involved in accidents with either immediately or later within 7 days resulted in death.

Maternity Benefit Act,

12	(a)	Rating to Maternity Benefits :—
(i)		Total no. of women workers who worked for a period of 160 days in the last 12 months immediately preceding the date of delivery.
(ii)		No. of women workers discharged / dismissed in the last 12 months.
(iii)		No. of women worker for whom pre-natal confinement and post-natal confinement.
(iv)		No. of women workers died.
	(a)	Before delivery -
	(b)	After delivery -

(b) **Leave / additional leave details :—**

Item	No. of women applied for leave	Leave sanctioned	Leave reject
(i) Mis-carriage			
(ii) Illness (additional leave under sec-10)			

(c) **Maternity Benefit Paid :—**

Item	No. of claim received	No. of leave sanctioned	No. of claims rejected	Total benefit paid in rupees
(i) Confinement				
(ii) Mis-carriage				
(iii) Illness				
(iv) Medical Bureaus				

Rating to Contract Labour (R&A) Act13 (a) **Contractor Labour**

Name & Address of the Contractor / Contractors	Period of contract From / To	Nature of work/ operation in which contract labour were employed Dept. / Section	No. of person employed	Maximum no. of contract workman employed on any day during the year	No. of days worked	No. of man days worked
(i)						
(ii)						
(iii)						
(iv)						
		Total				

(b) **Whether contract has provided ?**

- | | |
|----------------------|-----------|
| (i) Canteen | Yes / No. |
| (ii) Rest Room | Yes / No. |
| (iii) Drinking Water | Yes / No. |
| (iv) Creche | Yes / No. |
| (v) First Aid | Yes / No. |
| (vi) Remarks | Yes / No. |

Relating to Building and Other Construction Workers (RE & CS) Act.

14. Particulars of accident that took place during the year: —

(i)	The total No. of accident.
(ii)	The number of accidents resulting in disablement of building workers for less than 48 hours, the number of building workers involved and the number of man-days lost.
(iii)	The number of accidents resulting in disablement of building worker beyond 48 hours, but not resulting in any permanent partial or permanent total disablement, the number of building workers involved, and the number of man-days lost on account of such accident.
(iv)	The number of accidents resulting on permanent partial or total disablement, the number of building workers involved and the number of man-days lost on account of such accident.
(v)	The number of accident resulting in deaths of building workers and the number of resultant deaths.

15. INTER STATE MIGRANT WORKMENT (RE & CS) ACT,

In respect of Principal Employer :

- (i) Number of contractors who worked in the establishment during the year with details.

Name & Address of the Contractor	Period of Contract		Nature of work	Maximum number of workers supplied by each contractor	No. of days worked	No. of man days worked
	From	To				

16. Beedi and Cigar Workers (Condition of Employment) Act, 1966:-

- (i) Average number of employees employed daily in the Industrial Premises : -
- Men
Women
Young person
Male
Female
- (ii) Average monthly number of home workers employed (i.e. who work in their homes)
- (iii) Number of days worked in the year in the industrial establishment.
- (iv) No. of employees who were granted leave during the calendar year.

- | | |
|---|---|
| Young persons | (a) employees in the Industries Premises.
(b) employees in home. |
| Other than young Persons | (a) employees in the Industrial Premises
(b) employed in home |
| (v) Number of female employees who were given maternity benefit during the year | (a) employees in the Industrial Premises
(b) employed in home" |

By order of the Governor

GUNANIDHI JENA

Deputy Secretary to Government